IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO: 12713 of 1999

Between:

1. APSRTC, rep. By it's Managing Director, Mushirabad
Hyderabad.
2. Divisional Manager, APSRTC, Cuddapah.

... PETITIONERS

AND

1. State Transport Appellate Tribunal,
A.P., Hyderabad, rep. By it's Presiding Officer.

2. The Regional Transport Authority, Cuddapah,
Rep. By its Secretary.

3. Sri Y. Prasad Reddy, Bus Operator, Cuddapah.
Cuddapah District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction especially in the nature of a Writ of Certiorari, calling for the records relating to the impugned order dt.27.10.1998 made in A.P.229/97, STAT, A.P., Hyderabad setting aside the order in Rc.No.12936/A2/93, made in item No.36, dt.1.2.97 of the RTA, Cuddapah, and quash the same as being illegal, without jurisdiction and invalid, and pass such other and further orders to meet the ends of justice.

For the Petitioner: MR. K. Srinivasa Rao, Advocate

For the Respondent No.: GP FOR TRANSPORT

The Court Made the Following Order:

ORDER:

The Andhra Pradesh State Road Transport Corporation has obtained a rule from this Court calling upon the respondents to show cause why a Writ in the nature of Certiorari cannot be issued under Article 226 of the Constitution of India for calling up the records relating to the order dated 27-10-1998 made in A.P.No.229/97 setting aside the order in Rc.No.12936/A2/93, made in item No.36 dated 01-02-1997 of the RTA, Cuddapah and quash the same.

Third respondent made an application to the Regional Transport Authority, Cuddapah for grant of stage carriage permit on the town service route from Cuddapah Old Bus Stand to C.K. Dinne (via) Women's College, Venkateswara Talkies, ITI, Utukur Cross. Second respondent by the resolution dated 01-02-1997 rejected the request of the third respondent that the same cannot be granted as approved scheme in G.O.Ms.No.176/90 dated 28-06-1990 on the route from Kurnool to Tirupathi and Cuddapah to Pendlimarri respectively which absolves the route of stage carriage permits to the private operators and the proposal is overlapping by 1 kilometer. Moreover draft scheme No.18/89 as proposed route is overlapping for a distance of 6 kilometers and since the same is pending for approval, no relief can be granted pending approval of the draft. Aggrieved by the same, the 3rd respondent carried an appeal before the STAT. Since overlapping is permitted up to 5 kilometers as per G.O.Ms.No.176/90, it held that there cannot be any objection for granting permit and accordingly allowed the appeal.

Having regard to the fact that the proposed draft scheme

has already been lapsed, and there is no prohibition of the permit in view of the law declared in **APSRTC V. STATE TRANSPORT APPELLATE TRIBUNAL** [1], the order passed by the STAT does not suffer from any legal infirmity.

Accordingly, the Writ Petition is dismissed. No costs.

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(A. GOPAL REDDY, J)

June 28,2004
Mrr

Copy to

1. State Transport Appellate Tribunal,
   A.P., Hyderabad, rep. By it's Presiding Officer.
2. The Regional Transport Authority, Cuddapah,
   Rep. By its Secretary.
3. Two C.C. s to the G.P. for Transport, High Court Buildings, Hyderabad (OUT)
4. Two C.D. Copies.

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[1] AIR 2001 A.P.335